

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

July 2, 2003

IN RE:

GENERIC DOCKET ADDRESSING
RURAL UNIVERSAL SERVICE

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DOCKET NO.
00-00523

ORDER CONTINUING STAY AND ABEYANCE

This docket came before the Hearing Officer for consideration of the status of the stay and abeyance ordered in the May 5, 2003 *Order Granting Conditional Stay, Continuing Abeyance, and Granting Interventions*.

In the *Order Granting Conditional Stay, Continuing Abeyance, and Granting Interventions*, the Hearing Officer granted the *Joint Agreed Motion for 60-Day Conditional Stay* filed on April 25, 2003 by the Tennessee Rural Independent Coalition¹ ("Coalition") and BellSouth Telecommunications, Inc. ("BellSouth"). In doing so, the Hearing Officer held that no further action will be taken for sixty (60) days on the *Petition for Emergency Relief and Request for Standstill Order by the Tennessee Rural Independent Coalition* filed on April 3, 2003 or BellSouth's counterclaim filed on April 15, 2003. The Hearing Officer also granted the request of BellSouth and the Coalition to continue to hold *BellSouth Telecommunications Inc.'s*

¹ The Coalition includes the following companies: Ardmore Telephone Company, Inc.; Ben Lomand Rural Telephone Cooperative, Inc.; Beldsoe Telephone Cooperative; CenturyTel of Adamsville, Inc.; CenturyTel of Claiborne, Inc.; CenturyTel of Ooltewah-Collegedale, Inc.; Concord Telephone Exchange, Inc.; Crockett Telephone Company, Inc.; Dekalb Telephone Cooperative, Inc.; Highland Telephone Cooperative, Inc.; Humphreys County Telephone Company; Loretto Telephone Company, Inc.; Millington Telephone Company; North Central Telephone Cooperative, Inc.; Peoples Telephone Company; Tellico Telephone Company, Inc.; Tennessee Telephone Company, Twin Lakes Telephone Cooperative Corporation; United Telephone Company; West Tennessee Telephone Company, Inc.; and Yorkville Telephone Cooperative.

Motion for Reconsideration or, in the Alternative, Clarification of the Initial Order of Hearing Officer for the Purpose of Addressing Legal Issues 2 and 3 Identified in the Report and Recommendation of the Pre-Hearing Officer Filed on November 8, 2000 in abeyance. As defined in the Order, the stay and abeyance will end on Friday, July 4, 2003.

On June 10, 2003, BellSouth and the Coalition filed an *Update on Status of Discussions with ICOs, BellSouth and CMRS Providers* ("First Update"). In the First Update, BellSouth and the Coalition explained that the companies involved in the negotiations have met and established a negotiations schedule. The last date appearing on the schedule is a face-to-face meeting on July 16 and 17, 2003.

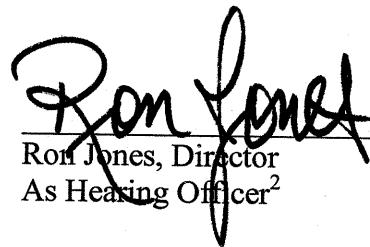
On July 1, 2003, BellSouth and the Coalition filed an *Update on Status of Discussions with ICOs, BellSouth and CMRS Providers* ("Second Update"). In the Second Update, BellSouth and the Coalition stated that negotiations were continuing in accordance with the negotiations schedule. The parties also stated that they will continue to update the Hearing Officer.

Recognizing that the negotiation schedule submitted by BellSouth and the Coalition in the First Update goes beyond the stay and abeyance date set forth in the *Order Granting Conditional Stay, Continuing Abeyance, and Granting Interventions*, the Hearing Officer finds that the date should be reviewed. It appears from the updates that BellSouth, the Coalition, and various commercial mobile radio service ("CMRS") providers are discussing the treatment of CMRS-originated traffic that transits BellSouth's network and terminates on a Coalition network. Moreover, the negotiation schedule set forth in the First Update represents a reasonable attempt to get all the parties to the table. Therefore, the Hearing Officer finds that the stay and abeyance period should be extended until August 1, 2003.

IT IS THEREFORE ORDERED:

1) No action will be taken before **Friday, August 1, 2003** on the *Petition for Emergency Relief and Request for Standstill Order By the Tennessee Rural Independent Coalition* filed on April 3, 2003, BellSouth Telecommunications, Inc.'s counterclaim filed on April 15, 2003, and *BellSouth Telecommunications Inc.'s Motion for Reconsideration or, in the Alternative, Clarification of the Initial Order of Hearing Officer for the Purpose of Addressing Legal Issues 2 and 3 Identified in the Report and Recommendation of the Pre-Hearing Officer Filed on November 8, 2000* filed on July 15, 2002.

2) BellSouth Telecommunications Inc. and the Tennessee Rural Independent Coalition shall file by **Monday, July 22, 2003** an update containing at a minimum a summary of negotiations that have occurred, a list of entities involved in the negotiations, a schedule of any further negotiations, and a statement as to whether a further continuance of the stay and abeyance are necessary.



Ron Jones, Director
As Hearing Officer²

² See *Order Accepting Petition for Appeal and Appointing Hearing Officer*, 3 (Sept. 17, 2003) (appointing Director Jones "for the purpose of preparing this matter for consideration by the Directors").